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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/768,841

Applicant(s)

YAMAMOTO, TOMOYUKI

Examiner

JOHN R. SCHNURR

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2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the Amendment After Non-Final Rejection filed 04/10/2008. Claims 43-88 are pending and have been examined.

Response to Arguments

2. Applicant's arguments with respect to claims 43-59 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument (Remarks pg. 17 para. 2) that Durlach (US 6,807,367) fails to render obvious "display means for displaying an indicator of a current replaying position" because Durlach does not disclose a first and second content item, the examiner respectfully disagrees. Durlach teaches displaying a Current Location Locator 206 (Fig. S4) that indicates the current frame being displayed. This clearly teaches the newly added limitation of claim 43. The combination of Hassell (US PGPUB 2005/0278771) and Eyer (US 6,588,015) teach an apparatus for "skipping over" a first content to a second content or selecting a position within the first content. This combination clearly discloses the first and second content items. Durlach merely teaches displaying a position indicator of the current content, whether that content is the first or second item makes no difference to the display means of Durlach.

In response to applicant's argument (Remarks pg. 18 para. 2) that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the claimed system allows a user to learn how to use the selection means) are not recited in the rejected claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument (Remarks pg. 18 para. 4 to pg. 19 para. 1) that the combination of Hassell, Eyer and Durlach do not teach displaying the indicator at the beginning of the second content item when the user skips over the first, the examiner respectfully disagrees. As discussed above the display means of Durlach shows the current location of the currently displayed video of Hassell and Eyer. Therefore, it is inherent that when a user skips to the beginning of the second content item the display means will indicate the beginning of the second content.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **43, 44, 46, 48-52, 54, 56-75, 77 and 79-88** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hassell et al. (US Patent Application Publication 2005/0278771)**, herein Hassell, in view of **Eyer et al. (US Patent 6,588,015)**, herein Eyer, and further in view of **Durlach (US Patent 6,807,367)**.

Consider **claim 43**, Hassell clearly teaches an apparatus, comprising:

storing means for storing a plurality of content items, the plurality of content items including a first content item and a second content
(Programs are recorded onto digital storage device 31 of Fig. 2. [0020])

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input means for receiving a user input; **(Signals from remote control 40 of Fig. 2 are received at the set-top box and processed to control operation of the stored programs. [0039])**

reproducing means for reproducing the first content item; **(Television 36 of Fig. 2 receives video signals from digital storage device 31. [0022])**

selection means for skipping over the first content item to the second content item, or selecting a position within the first content item; **(The user may fast-forward or rewind to a position within the program, [0040].)**

However, Hassell does not explicitly teach wherein the selection means selects the second content item or the position within the first content item based on a duration of the user input.

In an analogous art Eyer, which discloses a system for playing digital media, clearly teaches wherein the selection means selects the second content item or the position within the first content item based on a duration of the user input. **(The amount of fast-forwarding or rewinding is a function of the duration in which the button is depressed, column 7 lines 39-56.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell by selecting a position in the content item based on the duration of user input, as taught by Eyer, for the benefit of enhancing user control of the content.

However, Hassell combined with Eyer does not explicitly teach displaying means for displaying an indicator of a current replaying position.

In an analogous art, Durlach, which discloses a system for displaying video, clearly teaches displaying means displays an indicator of a current replaying position. **(Fig. S4 Current Location Indicator 206, see Column 13 Lines 26-36.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell combined with Eyer by displaying an indicator of a current replaying position, as taught by Durlach, for the benefit of providing convenient control of frame advance with in a movie (see Column 5 Lines 16-21 of Durlach).

Consider **claim 44**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches the display means displays the indicator at the beginning of the second content item when the user skips over the first content item. **(Durlach**

shows the current location of the currently displayed video of Hassell and Eyer. Therefore, it is inherent that when a user skips to the beginning of the second content item the display means will indicate the beginning of the second content.)

Consider **claim 46**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches a recorded program schedule displaying apparatus, wherein:

the position within the first content item is selected by one of fast forward, rewind, slow, replay or scene jump. (The user operation can include fast-forward, rewind, pause, stop or the like. [0040] Hassell)

Consider **claim 48**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches a recorded program schedule displaying apparatus;

The program schedule displaying apparatus according to claim 43 (Fig. 5b shows a program guide displaying recorded contents.), wherein: the plurality of content items are programs provided via ground stations, satellite stations, wireless network or wired network. (Fig. 1 : Link 18 may be a satellite link, a telephone network link, a cable or fiber optic link, a microwave link, a combination of such links, or any other suitable communications path. [0016] Hassell)

Consider **claim 49**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches a recorded program schedule displaying apparatus, wherein:

the plurality of content items are comprised of visual and sound data. (The programs received by the STB are comprised of video and audio data. [0021] Hassell)

Consider **claim 50**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches a recorded program schedule displaying apparatus, wherein:

the plurality of content items are multimedia data or replay application programs. (The contents received by the STB include program listings, programs (audio/video) and program data. [0024] Hassell)

Consider **claim 51**, Hassell clearly teaches a method, comprising:

storing a plurality of content items, the plurality of content items including a first content item and a second content; (Programs are recorded onto digital storage device 31 of Fig. 2. [0020])

receiving a user input; (Signals from remote control 40 of Fig. 2 are received at the set-top box and processed to control operation of the stored programs. [0039])

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reproducing the first content item; **(Television 36 of Fig. 2 receives video signals from digital storage device 31. [0022])**

skipping over the first content item to the second content item, or a position within the first content item; **(The user may fast-forward or rewind to a position within the program, [0040].)**

However, Hassell does not explicitly teach wherein the selection means selects the second content item or the position within the first content item based on a duration of the user input.

In an analogous art Eyer, which discloses a system for playing digital media, clearly teaches wherein the selection means selects the second content item or the position within the first content item based on a duration of the user input. **(The amount of fast-forwarding or rewinding is a function of the duration in which the button is depressed, column 7 lines 39-56.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell by selecting a position in the content item based on the duration of user input, as taught by Eyer, for the benefit of enhancing user control of the content.

However, Hassell combined with Eyer does not explicitly teach displaying means for displaying an indicator of a current replaying position.

In an analogous art, Durlach, which discloses a system for displaying video, clearly teaches displaying means displays an indicator of a current replaying position. **(Fig. S4 Current Location Indicator 206, see Column 13 Lines 26-36.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell combined with Eyer by displaying an indicator of a current replaying position, as taught by Durlach, for the benefit of providing convenient control of frame advance with in a movie (see Column 5 Lines 16-21 of Durlach).

Consider **claim 52**, see claim 44.

Consider **claim 54**, see claim 46.

Consider **claim 56**, see claim 48.

Consider **claim 57**, see claim 49.

Consider **claim 58**, see claim 50.

Consider **claim 59**, Hassell clearly teaches a computer readable medium comprising instructions for causing a processor to execute a method **(The use of a processor executing instructions is inherent in a set-top box.)**, comprising:

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storing a plurality of content items, the plurality of content items including a first content item and a second content; **(Programs are recorded onto digital storage device 31 of Fig. 2. [0020])**

receiving a user input; **(Signals from remote control 40 of Fig. 2 are received at the set-top box and processed to control operation of the stored programs. [0039])**

reproducing the first content item; **(Television 36 of Fig. 2 receives video signals from digital storage device 31. [0022])**

skipping over the first content item to the second content item, or a position within the first content item; **(The user may fast-forward or rewind to a position within the program, [0040].)**

However, Hassell does not explicitly teach wherein the selection means selects the second content item or the position within the first content item based on a duration of the user input.

In an analogous art Eyer, which discloses a system for playing digital media, clearly teaches wherein the selection means selects the second content item or the position within the first content item based on a duration of the user input. **(The amount of fast-forwarding or rewinding is a function of the duration in which the button is depressed, column 7 lines 39-56.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell by selecting a position in the content item based on the duration of user input, as taught by Eyer, for the benefit of enhancing user control of the content.

Consider **claim 60**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches the input means comprises a button that has at least the following two functions:

causing the selection means to select a position within the first content item immediately following the current replaying position, **(Fig. 2: The fast forward button 248 can be depressed for a short duration to select a subsequent portion of the content item, column 7 lines 50-60 Eyer.)**

causing the selection means to skip over the first content item to the second content item. **(Fig. 2: If the fast forward button 248 is depressed for a long duration the content item will be skipped and a second content item will be presented, column 7 lines 50-60 Eyer.)**

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Consider **claim 61**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches the input means comprises a button that has at least the following two functions:

causing the selection means to select a position within the first content item immediately preceding the current replaying position, **(Fig. 2: The reverse button 246 can be depressed for a short duration to select a previous portion of the content item, column 7 lines 39-49 Eyer.)**

causing the selection means to skip behind the first content item to a preceding content item. **(Fig. 2: If the reverse button 246 is depressed for a long duration the content item will be reversed to a previous content item, column 7 lines 39-49 Eyer.)**

Consider **claim 62**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches the display means displays the indicator of the current replaying position together with information identifying content being currently replayed. **(Fig. S4: Graphics overlay 204 displays information about the current segment, column 13 lines 37-41 Durlach.)**

Consider **claim 63**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches the indicator of the replaying position is displayed on a horizontal bar on the display means. **(Fig. S4, column 13 lines 26-36 Durlach.)**

Consider **claim 64**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches the horizontal bar represents an interval of time within the first content item and the indicator of the replaying position represents a time within the first content item that is currently being replayed. **(Fig. S4, column 13 lines 26-36 Durlach.)**

Consider **claim 65**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches the horizontal bar includes a graphical representation of both the first content item and the second content item. **(Fig. S4: The system uses various visual delineators to identify distinct movie segments, column 13 lines 26-36 Durlach. The segments are individual content items, column 14 lines 17-39 Durlach.)**

Consider **claim 66**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches the horizontal bar is displayed such that the indicator moves to the right as the replaying position moves closer to the end of the first content item. **(Fig. S4: The indicator needle moves in accordance with the current movie, column 13 lines 26-36 Durlach. Advancing the movie entails a left-to-right motion, column 20 lines 9-13.)**

Consider **claim 67**, see claim 60.

Consider **claim 68**, see claim 61.

Consider **claim 69**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches displaying the indicator of the current replaying position together with information identifying content being currently replayed. **(Fig. S4 shows both the position indicator 206 and the content indicator 204 being displayed together.)**

Consider **claim 70**, see claim 63.

Consider **claim 71**, see claim 64.

Consider **claim 72**, see claim 65.

Consider **claim 73**, see claim 66.

Consider **claim 74**, Hassell clearly teaches an apparatus comprising:

a storage device configured to store a plurality of content items, the plurality of content items including a first content item and a second content item; **(Programs are recorded onto digital storage device 31 of Fig. 2. [0020])**

an input unit configured to receive a user input; **(Signals from remote control 40 of Fig. 2 are received at the set-top box and processed to control operation of the stored programs. [0039])**

a processor configured to reproduce the first content item **(Television 36 of Fig. 2 receives video signals from digital storage device 31. [0022])** and select from the plurality of content items by skipping over the first content item to the second content item or select a position within the first content item; **(The user may fast-forward or rewind to a position within the program, [0040].)**

However, Hassell does not explicitly teach wherein the selection means selects the second content item or the position within the first content item based on a duration of the user input.

In an analogous art Eyer, which discloses a system for playing digital media, clearly teaches wherein the selection means selects the second content item or the position within the first content item based on a duration of the user input. **(The amount of fast-forwarding or rewinding is a function of the duration in which the button is depressed, column 7 lines 39-56.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell by selecting a position in the content item based on the duration of user input, as taught by Eyer, for the benefit of enhancing user control of the content.

However, Hassell combined with Eyer does not explicitly teach a display configured to display an indicator of a current replaying position.

In an analogous art, Durlach, which discloses a system for displaying video, clearly teaches a display configured to display an indicator of a current replaying position. (**Fig. S4 Current Location Indicator 206, see Column 13 Lines 26-36.**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell combined with Eyer by displaying an indicator of a current replaying position, as taught by Durlach, for the benefit of providing convenient control of frame advance with in a movie (see Column 5 Lines 16-21 of Durlach).

Consider **claim 75**, see claim 44.

Consider **claim 77**, see claim 46.

Consider **claim 79**, see claim 48.

Consider **claim 80**, see claim 49.

Consider **claim 81**, see claim 50.

Consider **claim 82**, see claim 60.

Consider **claim 83**, see claim 61.

Consider **claim 84**, see claim 62.

Consider **claim 85**, see claim 63.

Consider **claim 86**, see claim 64.

Consider **claim 87**, see claim 65.

Consider **claim 88**, see claim 66.

5. Claims **45, 53 and 76** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hassell et al. (US Patent Application Publication 2005/0278771)**, in view of **Eyer et al. (US Patent 6,588,015)** further in view of **Durlach (US Patent 6,807,367)**, as applied to claims 43 and 51 above, and further in view of **Maissel et al. (US Patent Application Publication 2003/0088872)**, herein Maissel.

Consider **claim 45**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches a recorded program schedule displaying apparatus with a variety of program classification criteria, wherein:

content classifying means for classifying the stored plurality of content items in accordance with a broadcasting time sequence, (**Programs can be classified using any pre-defined organization criteria, [0037], one such pre-defined criteria is program times as transmitted from the**

main facility 12 of Fig. 1 to the user television equipment 22, [0017] Hassell.)

Hassell further teach that the organization criteria may be any user-defined criteria. However, Hassell combined with Eyer and Durlach, as in claim 43, do not explicitly teach the use of user preferences or viewing history. Specifically, Hassell combined with Eyer, as in claim 43, do not teach:

order of recommendation rating for the user preference, or past viewing history of the user.

In the same field of endeavor, Maissel, which discloses a recording system for digital television, clearly teaches;

order of recommendation rating for the user preference, or past viewing history of the user. **(A viewer preference profile is created indicating types of programs preferred by the viewer. Maissel [0173])**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included the viewer preference profile, as taught by Maissel, in the system disclosed by Hassell combined with Eyer and Durlach, as in claim 43, for the advantage of customizing an electronic program guide for an individual user (see [0045] of Maissel et al.).

Consider **claim 53**, see claim 45.

Consider **claim 76**, see claim 45.

6. Claims **47, 55 and 78** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hassell et al. (US Patent Application Publication 2005/0278771)**, in view of **Eyer et al. (US Patent 6,588,015)** further in view of **Durlach (US Patent 6,807,367)**, as applied to claims 43 and 51 above, and further in view of **Schein et al. (US Patent 6,323,911)**, herein Schein.

Consider **claim 47**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches a recorded program schedule displaying apparatus with a variety of program classification criteria.

However, Hassell combined with Eyer, as in claim 43, do not explicitly teach acquiring the current time and using it to calculate a value when a user input is received. Specifically, Hassell combined with Eyer, as in claim 43, does not teach:

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current time acquiring means for acquiring current time; and

calculating means for calculating change value comparing said current time when receiving said user input.

In the same field of endeavor Schein, which discloses a system for displaying television schedule information, clearly teaches;

current time acquiring means for acquiring current time; **(The current time is obtained by the EPG and displayed in the lower right corner as shown in Fig. 4A. Schein et al.)** and

calculating means for calculating change value comparing said current time when receiving said user input. **(When the user enters the EPG, via input from the remote control device 2 of Fig. 1, the current time is used to calculate the portion of the program that has already been played. Schein et al. Column 9 Lines 13-18)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included the calculation of the amount of the program already played, as taught by Schein, in the system disclosed by Hassell combined with Eyer and Durlach, as in claim 43, for the advantage of visually indicating the time remaining in each program (see Column 2 Lines 44-60 of Schein et al.).

Consider **claim 55**, see claim 47.

Consider **claim 78**, see claim 47.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN R. SCHNURR whose telephone number is (571)270-1458. The examiner can normally be reached on Monday - Friday, 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/JOHN W. MILLER/

Supervisory Patent Examiner, Art Unit 2421

JRS

